

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JULIUS LUDWIG,

Plaintiff,

Case No. 3:24-cv-00301-ART-CLB

v.

STATE OF NEVADA, et al.,

Defendants.

ORDER

I. DISCUSSION

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff paid the full filing fee in this matter. (ECF No. 4). The Court entered a screening order on September 6, 2024. (ECF No. 5). The screening order allowed some claims to proceed and dismissed other claims without prejudice and with leave to amend within 30 days. (*Id.* at 11-12). After the screening order was issued, Plaintiff filed a motion for a preliminary injunction. (ECF No. 8). Plaintiff did not file amended complaint, and the Court referred this case to the Court's Inmate Early Mediation Program. (ECF No. 10). The Court imposed a 90-day stay, and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 10, 12). The Office of the Attorney General has filed a status report indicating that settlement has not been reached. (ECF No. 15). The Court will now address Plaintiff's pending motion for a preliminary injunction.

Injunctive relief is an "extraordinary remedy, never awarded as of right." *Winter v. Natural Res. Defense Council*, 555 U.S. 7, 24 (2008). "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the

1 public interest.” *Am. Trucking Ass’ns, Inc. v. City of Los Angeles*, 559 F.3d 1046,
 2 1052 (9th Cir. 2009) (quoting *Winter*, 555 U.S. at 20). “Where a party seeks
 3 mandatory preliminary relief that goes well beyond maintaining the status quo
 4 pendente lite, courts should be extremely cautious about issuing a preliminary
 5 injunction.” *Martin v. International Olympic Committee*, 740 F.2d 670, 675 (9th
 6 Cir. 1984). 18 U.S.C. § 3626(a)(2). Thus, an award of mandatory preliminary
 7 relief is not to be granted unless both the facts and the law clearly favor the
 8 moving party and extreme or serious damage will result. See *Garcia v. Google,*
 9 Inc., 786 F.3d 733, 740 (9th Cir. 2015) (quoting *Anderson v. United States*, 612
 10 F.2d 1112, 1114 (9th Cir. 1979)). Furthermore, under the Prison Litigation
 11 Reform Act (“PLRA”), preliminary injunctive relief must be “narrowly drawn,”
 12 must “extend no further than necessary to correct the harm,” and must be “the
 13 least intrusive means necessary to correct the harm.” Under Local Rule 7-2(d),
 14 “[t]he failure of a moving party to file points and authorities in support of the
 15 motion constitutes a consent to the denial of the motion.” LR 7-2.

16 Plaintiff’s brief motion for a preliminary injunction does not include points
 17 and authorities in support of his motion. Nor does the motion address the four
 18 *Winters* factors that Plaintiff must establish to support a preliminary injunction,
 19 namely that he is likely to succeed on the merits, that he is likely to suffer
 20 irreparable harm in the absence of preliminary relief, that the balance of equities
 21 tips in his favor, and that an injunction is in the public interest. Therefore, the
 22 Court denies the motion without prejudice and with leave to refile. In any refiled
 23 motion, Plaintiff should include points and authorities in support of his motion,
 24 and he should specifically address the four *Winters* factors.

25 II. CONCLUSION

26 It is therefore ordered that the Clerk of the Court shall electronically
 27 **SERVE** a copy of this order and a copy of Plaintiff’s complaint (ECF No. 6) on the
 28 Office of the Attorney General of the State of Nevada, by adding the Attorney

1 General of the State of Nevada to the docket sheet. This does not indicate
2 acceptance of service.

3 It is further ordered that service must be perfected within ninety (90) days
4 from the date of this order pursuant to Fed. R. Civ. P. 4(m).

5 It is further ordered that subject to the findings of the screening order (ECF
6 No. 5), within **twenty-one (21) days** of the date of entry of this order, the
7 Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a)
8 the names of the defendants for whom it accepts service; (b) the names of the
9 defendants for whom it does not accept service, and (c) the names of the
10 defendants for whom it is filing the last-known-address information under seal.
11 As to any of the named defendants for whom the Attorney General's Office cannot
12 accept service, the Office shall file, *under seal*, but shall not serve the inmate
13 Plaintiff the last known address(es) of those defendant(s) for whom it has such
14 information. If the last known address of the defendant(s) is a post office box,
15 the Attorney General's Office shall attempt to obtain and provide the last known
16 physical address(es).

17 It is further ordered that if service cannot be accepted for any of the named
18 defendant(s), Plaintiff shall file a motion identifying the unserved defendant(s),
19 requesting issuance of a summons, and specifying a full name and address for
20 the defendant(s). For the defendant(s) as to which the Attorney General has not
21 provided last-known-address information, Plaintiff shall provide the full name
22 and address for the defendant(s).

23 It is further ordered that if the Attorney General accepts service of process
24 for any named defendant(s), such defendant(s) shall file and serve an answer or
25 other response to the complaint (ECF No. 6) within **sixty (60) days** from the date
26 of this order.

27 It is further ordered that Plaintiff shall serve upon defendant(s) or, if an
28 appearance has been entered by counsel, upon their attorney(s), a copy of every

1 pleading, motion or other document submitted for consideration by the Court. If
2 Plaintiff electronically files a document with the Court's electronic-filing system,
3 no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-
4 1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court,
5 Plaintiff shall include with the original document submitted for filing a certificate
6 stating the date that a true and correct copy of the document was mailed to the
7 defendants or counsel for the defendants. If counsel has entered a notice of
8 appearance, Plaintiff shall direct service to the individual attorney named in the
9 notice of appearance, at the physical or electronic address stated therein. The
10 Court may disregard any document received by a district judge or magistrate
11 judge which has not been filed with the Clerk, and any document received by a
12 district judge, magistrate judge, or the Clerk which fails to include a certificate
13 showing proper service when required.

14 It is further ordered that this case is no longer stayed.

15 It is further ordered that Plaintiff's motion for a preliminary injunction (ECF
16 No. 8) is **DENIED** without prejudice and with leave to refile.

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18 Dated this 4th day of June 2025.



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20 ANNE R. TRAUM
21 UNITED STATES DISTRICT JUDGE
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